



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

M. STEPHEN GALLAND  
GARY D. JERDEE  
GUNNAR RYSSTAD  
KEITH JOHNSTONE

Serial No.: 09/748,529

Filed: December 22, 2000

For: UV- OR HEAT-TRIGGERED LOW  
OXYGEN PACKAGING SYSTEM  
EMPLOYING AN OXIDIZABLE  
POLYMER RESIN AND A PEROXIDE

Confirmation No.: 4199

Group Art Unit: 1714

Examiner: Joseph D. Anthony

Attorney Docket: 2039.006200/RFE

CUSTOMER NO. 37774

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**DECLARATION UNDER 37 C.F.R. § 1.131 OF ANNE EBBESEN**

I, ANNE EBBESEN, declare as follows:

1. At a time prior to November 3, 2000, I was a coworker of Gunnar Rysstad, who is named as an inventor of the present patent application, identified above. At that time, we were employed at Elopak a.s., a corporation organized under the laws of Norway, and having a street address at Grevegården 24, 1369 Stabekk, Norway.

2. Exhibit 1 attached hereto, which includes 6 pages, is a true copy of a project report written by me after January 1, 1996 and before November 3, 2000. The actual date has been blacked out.


3. In Exhibit 1, I report that I tested an oxygen scavenging polymer ("OSP") sample provided by workers at Chevron Chemical Company ("Chevron"). This test was performed at Mr. Rysstad's request. One example of the testing process involved the

following steps, performed at an Elopak facility in Norway after January 1, 1996 and before November 3, 2000: spraying a 2% H<sub>2</sub>O<sub>2</sub> solution onto a surface of an OSP sample film (8 cm x 20 cm); exposing the film to UV light, 850 mJ/cm<sup>2</sup> of film; and inserting the film into a glass jar such that oxygen contained within the jar headspace was in contact with the surface onto which the 2% H<sub>2</sub>O<sub>2</sub> solution had been sprayed (Exhibit 1, p. 3, section 2.2, "Test 2"). Test 2 also comprised, after exposing the film to UV light, drying the film surface with a hot air pistol to a surface temperature of about 70°C.

4. The results of Test 2, in comparison to a test which did not involve the use of H<sub>2</sub>O<sub>2</sub> in initiating oxygen scavenging in the OSP film, are shown in Exhibit 1, p. 5, section 3.1, Figure 1. The OSP film samples wetted with H<sub>2</sub>O<sub>2</sub> solution as part of the initiating process had removed an appreciable amount of oxygen (12-18 mL) from the jar headspace after about 2-3 days, whereas the control OSP film sample (not wetted with H<sub>2</sub>O<sub>2</sub> solution) did not remove an appreciable amount of oxygen until about 5 days.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 24/09-03

  
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ANNE EBBESEN